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Moynihan Says U.S. Killed His Antispy Measure

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WASHINGTON, Sept. 10 — Senator Daniel Patrick Moynihan, Democrat of New York, charged today that the Central Intelligence Agency and the State Department had persuaded Congress to kill a measure he had introduced aimed at protecting American citizens from having their telephone conversations intercepted by foreign agents in this country.

The telephones of Government agencies are being protected with expensive electronic devices against interception, Senator Moynihan said, but he asserted that widening eavesdropping efforts, particularly by the Russians, were putting the conversations on non-Government telephones at risk.

"There is an extraordinary, very unseemly, nervous-making attitude in Washington," Senator Moynihan said, "that if the Government is protected, it doesn't matter if the Soviets are listening to The New York Times, to a senator talking to a contributor, to a lawyer talking to his client, to a person talking to a stock broker, to liaisons that might not be entirely proper."

Measure Dropped in Conference

Senator Moynihan's measure, which would have provided for action against foreign agents caught eavesdropping on non-Government telephone calls, was included in legislation approved June 11 by the Senate. But it was dropped the next month when members of the House and the Senate met to resolve differences in their bills.

Senator Moynihan said his measure had been agreed to by the chairman of the Senate Foreign Relations Committee, Richard G. Lugar, Republican of Indiana, and the ranking Democratic member, Claiborne Pell of Rhode Island.

The defeat came after Senator David Durenburger, Republican of Minnesota, the chairman of the Select Committee

on Intelligence, wrote to Senator Lugar and Senator Pell that he opposed Senator Moynihan's measure because it was unnecessary and could lead to disclosing "sensitive intelligence sources."

Senator Moynihan said the C.I.A. and the State Department had used their influence to persuade Senator Durenburger to move against the bill.

The Senator's bill would have made the interception of private non-Government telephone calls by foreign agents illegal and would have provided for the expulsion of agents found taking part in such activity.

Patti Volz, a spokesman for the Central Intelligence Agency, said the agency would have no comment on Senator Moynihan's assertion that it had a role in having his proposal defeated. An official of the State Department

said he was unable to respond to the Senator's assertion but did confirm that the department had not supported his measure. He said the department felt that Government already had adequate laws for the protection of eavesdropping by foreign agents on non-Government telephones.

Senator Moynihan has expressed concern in the past over the possibility of foreign agents' intercepting telephone calls of American citizens. In his current newsletter to his constituents and in an interview in his Senate office today, Mr. Moynihan said he was trying to call attention to the matter anew because construction was nearing completion on the Soviet Embassy's new compound on a relatively high hill in Washington.

Senator Moynihan said this compound promised to be filled with electronic communications-intercepting gear of the kind that the Soviet Union has used in New York, at its United Nations Mission on East 67th Street in Manhattan, at its 22-story building in the Riverdale section of the Bronx and at its Long Island retreat in Glen Cove.

In the past, Administrations have generally maintained that Soviet agents were not interested in the private conversations of Americans who were not in Government.

Senator Moynihan disputed this, asserting that a new law was needed. He was asked today how such a law could be enforced against Soviet officials with diplomatic immunity. He answered, "You expel people, you expel people and you expel people."